

ORIGINAL



0000123906

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

GARY PIERCE, Chairman  
BOB STUMP  
SANDRA D. KENNEDY  
PAUL NEWMAN  
BRENDA BURNS

2011 MAR 21 A 10:07

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

MAR 21 2011

DOCKETED BY

*[Handwritten signature]*

VIKTOR PETER POLIVKA,

COMPLAINANT,

vs.

TUCSON ELECTRIC POWER COMPANY,

RESPONDENT.

DOCKET NO. E-01933A-10-0340

PROCEDURAL ORDER

**BY THE COMMISSION:**

On August 11, 2010, Viktor Peter Polivka ("Complainant") filed with the Arizona Corporation Commission ("Commission") a Complaint ("Complaint") against Tucson Electric Power Company ("Respondent").

On September 3, 2010, the Respondent filed its Answer to Formal Complaint and Motion to Dismiss.

Pursuant to a Procedural Order filed November 30, 2010, a hearing was convened on March 3, 2011; however, the hearing was not completed, and a Procedural Order was filed March 9, 2011, setting April 5, 2011, as the continuation date for the hearing.

On March 11, 2011, the Respondent filed a Motion to Continue ("Motion"). According to the Motion, one the witnesses requested by the Administrative Law Judge to be present at hearing is not available to testify on that date, and the Respondent requests that the hearing be continued.

On March 15, 2011, the Complainant filed his Response to the Motion.

The Respondent's Motion is reasonable and shall be granted.

IT IS THEREFORE ORDERED that the hearing currently scheduled to re-convene on April 5, 2011, is vacated.

IT IS FURTHER ORDERED that the hearing shall re-convene on April 20, 2011,

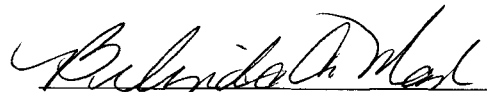
1 **beginning at 10:00 a.m.**, in Room 222, 400 West Congress, Tucson, Arizona.

2 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
3 Communications) applies to this proceeding as the matter is set for public hearing.

4 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
5 of the Arizona Supreme Court and A.R.S. §40-243 with respect to practice of law and admission *pro*  
6 *hac vice*.

7 IT IS FURTHER ORDERED that that the Presiding Officer may rescind, alter, amend, or  
8 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
9 hearing.

10 DATED this 18<sup>th</sup> day of March, 2011.

11  
12   
13 BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed  
15 this 18<sup>th</sup> day of March, 2011, to:

16 Viktor Polivka  
17 4675 South Harrison Road, #82  
Tucson, AZ 85730

18 Melody Gilkey, Esq.  
19 TUCSON ELECTRIC POWER  
One South Church Avenue, Suite 200  
20 Tucson, AZ 85701

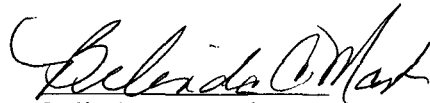
21 Jason Gellman  
22 ROSHKA DEWULF & PATTEN, PLC  
One Arizona Center  
23 400 East Van Buren Street, Suite 200  
Tucson, AZ 85004

24 Janice Alward, Chief Counsel  
Legal Division  
25 ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
26 Phoenix, AZ 85007

Steve Olea, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 W. Washington Street  
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.  
2200 N. Central Avenue, Suite 502  
Phoenix, AZ 85004-1481

By:

  
Belinda A. Martin